

REMARKS

The pending Office Action has been carefully considered. Seventeen claims are pending in this application, numbered 1-8, 10-17 and 19. Claim 1 is the sole independent claim, the remaining claims are dependent, directly or indirectly thereon. Claims 1 and 17 have been amended.

Claim 1 has been amended to resolve all the Examiner's objections and rejections under 35 U.S.C. 132 and 35 U.S.C. 112, respectively. It is believed that claim 1 as amended does not include new matter and claims an invention as properly disclosed in the specification. Support for claim 1 as amended can be found in part at page 7, lines 23 and 24; page 9, line 24-31; and Fig. 1.

Claim 1 as newly amended is directed to an ostomy pouch. The pouch has a carrier that includes an absorbent pad with a malodour counteractant. The carrier is attached to the interior surface portion of the pouch envelope near its stomal opening. The carrier is encased against the interior surface portion of the envelope by a liquid permeable cover. The cover prevents contact of the malodour counteractant by the stoma while permitting body waste to contact the absorbent pad.

The Examiner rejected the formerly pending claims under 35 U.S.C 102(e) in view of Lesko or Gent and under 35 U.S.C. 103(a) over Gent in view of Mayhan et al (Mayhan).

It is believed that the present claim 1 and the claims dependent thereon are neither anticipated nor obvious in view of the cited references.

Lesko is directed to a deodorizing filter that deodorizes and vents gases from the interior of the pouch to the exterior. The present invention as claimed is not directed to a filter or a vent. The absorbent pad carrier is a malodour counteractant. The purpose of the present invention is to release the counteractant into the waste material in the pouch, see page 2, lines 22 and 23. A filter cleanses material that passes through it. In Lesko the cleansed gas passes through the filter vent to the exterior of the pouch. The present invention includes an unvented absorbent pad that carries and releases at least one malodour counteractant. This invention as claimed is not disclosed or suggested by Lesko.

Gent discloses a malodour counteractant for an ostomy pouch in the form of a hygroscopic matrix. There is no suggestion or teaching by Gent of a carrier having an absorbent pad with a malodour counteractant where the carrier is encased against the interior surface portion of the envelope wall by a liquid permeable cover.

Gent is view of Mahan also does not suggest or teach the present invention as claimed in newly amended claim 1. Gent is cited for its teaching of anti-microbial composition of the hygroscopic matrix and Mayhan is cited for its teaching of a hydrogen peroxide generator. Mayhan

does not add to the teaching of Gent with regards to the structure of the present invention as presently claimed in claim 1. It is believed that claim 1 as amended is neither anticipated nor rendered obvious by the teaching of Gent applied singly or in combination with Mayhan.

The Examiner has cited, but not applied, Jessup et al (Jessup), Palumbo et al (Palumbo) and Schneider et al (Schneider).

Each of these references was cited for their teaching of an absorbent member. None teaches or suggests the present invention as claimed.

Palumbo teaches a body waste collector with absorbent material. There is no teaching or suggestion of an encasement of a carrier having an absorbent pad that carries and releases a malodour counteractant into an ostomy pouch. The collector of Palumbo discloses an acquisition layer 270 that is positioned so it separates the genitalia of the wearer from coming into contact with the absorbent material. The absorbent is not encased against the inner surface portion of an ostomy pouch envelope by a liquid permeable cover as claimed in newly amended claim 1.

Jessup discloses a gas venting filter with an absorbent and Schneider teaches pH modifying material that may be impregnated into an absorbent material. The carrier, absorbent pad, malodour counteractant with a non-vented encasement as claimed is not taught or suggested by these cited references, applied singly or in combination.

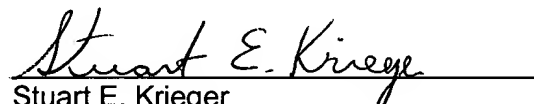
Claim 17 has been amended to avoid a rejection for indefiniteness.

The Examiner is correct that the various claims were commonly owned at the time any inventions covered therein were made.

Allowance of this application is respectfully solicited.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
100 Headquarters Park Drive
Skillman, NJ 08558
(908) 904-2376


Stuart E. Krieger
Attorney for Applicant
Reg. No. 28,731

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